

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2056**

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**Introduced by Assembly Member Chesbro**

February 23, 2012

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An act to amend Section ~~116380~~ of, and to add Section 116380.1 to, ~~116552~~ of the Health and Safety Code, relating to drinking water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2056, as amended, Chesbro. Drinking water: ~~point-of-entry and point-of-use treatments.~~

Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and requires *a person to submit an application to the State Department of Public Health to adopt regulations allowing public water systems to use point-of-entry and point-of-use treatment instead of centralized treatment in specified situations, including if the use of centralized treatment is not economically feasible and if the water system has submitted a preapplication with the department for funding to correct violations for which the point-of-entry and point-of-use treatment is provided and receive a permit to operate a public water system. Existing law prohibits the department from issuing a permit to a public water system or amending a valid existing permit to allow the use of point-of-use treatment unless the department determines, after conducting a public hearing, that there is no substantial community opposition to the installation of point-of-use treatment devices. Existing law provides that the issuance of a permit under this provision shall be limited to*

*not more than 3 years or until funding for centralized treatment is available, whichever occurs first.*

~~This bill would specifically authorize water systems with less than 20 connections to use point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment.~~

*This bill would require the department to allow public water systems serving 20 or less residential connections to continue the use of point-of-use treatment beyond the 3 year maximum. This bill would authorize the applicant to use available census tract data to demonstrate median household income if the department requires a demonstration of economic feasibility for public water systems serving 20 or less residential connections.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 116552 of the Health and Safety Code is  
2     amended to read:

3     116552. (a) The department shall not issue a permit to a public  
4     water system or amend a valid existing permit to allow the use of  
5     point-of-use treatment unless the department determines, after  
6     conducting a public hearing in the community served by the public  
7     water system, that there is no substantial community opposition  
8     to the installation of point-of-use treatment devices. ~~The Except~~  
9     *as specified in subdivision (b), the issuance of a permit pursuant*  
10    *to this section shall be limited to not more than three years or until*  
11    *funding for centralized treatment is available, whichever occurs*  
12    *first.*

13    (b) *For public water systems serving 20 or less residential*  
14    *connections, the department shall allow continued use of*  
15    *point-of-use treatment beyond the three year maximum specified*  
16    *in subdivision (a).*

17    (c) *If the department requires a demonstration of economic*  
18    *feasibility for public water systems serving 20 or less residential*  
19    *connections, the applicant may use available census tract data to*  
20    *demonstrate median household income.*

21    ~~SECTION 1. Section 116380 of the Health and Safety Code~~  
22    ~~is amended to read:~~

1     ~~116380. (a) In addition to the requirements set forth in Section~~  
2 ~~116375, the regulations adopted by the department pursuant to~~  
3 ~~Section 116375 shall include requirements governing the use of~~  
4 ~~point-of-entry and point-of-use treatment by public water systems~~  
5 ~~in lieu of centralized treatment where it can be demonstrated that~~  
6 ~~centralized treatment is not immediately economically feasible,~~  
7 ~~limited to the following:~~

8     ~~(1) Water systems with less than 200 service connections.~~  
9     ~~(2) Usage allowed under the federal Safe Drinking Water Act~~  
10 ~~and its implementing regulations and guidance.~~  
11     ~~(3) Water systems that have submitted preapplications with the~~  
12 ~~State Department of Public Health for funding to correct the~~  
13 ~~violations for which the point-of-entry and point-of-use treatment~~  
14 ~~is provided.~~

15     ~~(b) The department shall adopt emergency regulations governing~~  
16 ~~the permitted use of point-of-entry and point-of-use treatment by~~  
17 ~~public water systems in lieu of centralized treatment.~~

18     ~~(1) The emergency regulations shall comply with Section~~  
19 ~~116552, and shall comply with all of the requirements set forth in~~  
20 ~~subdivision (a) applicable to nonemergency regulations, but shall~~  
21 ~~not be subject to the rulemaking provisions of the Administrative~~  
22 ~~Procedure Act (Chapter 3.5 (commencing with Section 11340) of~~  
23 ~~Part 1 of Division 3 of Title 2 of the Government Code). The~~  
24 ~~emergency regulations shall take effect when filed with the~~  
25 ~~Secretary of State, and shall be published in the California Code~~  
26 ~~of Regulations.~~

27     ~~(2) The emergency regulations adopted pursuant to this~~  
28 ~~subdivision shall remain in effect until the earlier of January 1,~~  
29 ~~2014, or the effective date of regulations adopted pursuant to~~  
30 ~~subdivision (a).~~

31     ~~(c) This section shall not apply to a water system described in~~  
32 ~~Section 116380.1.~~

33     ~~SEC. 2. Section 116380.1 is added to the Health and Safety~~  
34 ~~Code, to read:~~

35     ~~116380.1. Notwithstanding any other law, water systems with~~  
36 ~~less than 20 connections may use point-of-entry and point-of-use~~  
37 ~~treatment by public water systems in lieu of centralized treatment.~~